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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,786	09/27/2001	Rick Rowe	IGTECH.0028P	3692

7590

12/18/2002

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EXAMINER

WHITE, CARMEN D

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,786

Applicant(s)

ROWE ET AL.

Examiner

Carmen D. White

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner. *and approved by the Draftsperson.*
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings of the instant application have been stamped and approved by the Draftsperson.

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

Claim 15 is objected to because of the following informalities: line 2 of the claim recites "if said player is *player* a certain type of gaming device". There appears to be a typographical error in this claim language. Should the italicized player be --playing--? Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-10, 13 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Acres et al (6,162,122).

Regarding claims 1-5, 7-10, 13 and 16-20, Acres teaches an information system associated with a gaming system including at least one gaming device, the gaming device arranged to present at least one game for play thereon that comprises a player tracking device associated with said gaming device, said player tracking device including a card reader, a keypad and at least one display; a player tracking host arranged to store data regarding one or more players of said gaming device; a communications link between said player tracking device and said player tracking host over which information is transmitted; an information system host, said information system host arranged to determine the eligibility of a player of said gaming device to multi-media information, said eligibility determined from said data regarding said player and said information system host arranged to generate information for presentation by said player tracking device of said gaming device based upon said eligibility; and a communication link between said player tracking device and said player tracking host over which said generated information is transmitted (abstract; Fig. 1; Fig. 7A; col. 1, lines 36-51; col. 2, lines 47-67 through col. 3, lines 1-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Acres** et al (6,162,122).

Regarding claims 14-15, Acres teaches all the limitations of the claim as discussed above. While Acres teaches the use of multiple types of data collected from the tracking device to determine player eligibility (col. 1, lines 42-52), Acres is silent regarding the explicit determination of a number of reward points and the determination of whether a player is playing a certain type of gaming device. Acres is functionally capable of performing this function by targeting this particular data in the audit data gathered in the Acres invention from the players. This merely involves programming the machine of Acres to extract this particular data from the players. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include these features in the player tracking of Acres to provide promotions to the most loyal players and players playing high wager gaming devices. This would increase player participation at certain gaming machines; thereby increasing the casino's/gaming establishments profits.

Claims 6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Acres** et al (6,162,122) in view of **Raven** (5,429,361).

Regarding claim 6, Acres teaches all the limitations of the claims as discussed above. Acres is silent regarding the feature of the player tracking device including a speaker that allows the device to present audible information generated by the system

host. In an analogous player tracking device, Raven discloses a player tracking device that has sound capability (col. 3, lines 6-7). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the player tracking device with sound capability of Raven in Acres, and to further enhance the sound device of Raven to include the well known sound input device of a speaker, in order to give the player immediate audible feedback when his or her card is inserted. This would make card use more convenient for the player.


Regarding claims 11-12, Acres teaches all the limitations of the claims as discussed above. Acres lacks the explicit disclosure of a display and audible component in the player tracking device. In an analogous player tracking device, Raven teaches these features (Fig. 2, col. 3, lines 6-7). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature, as taught by Raven, in Acres to enhance the feedback capability of the tracking device of Acres. This would provide better feedback to the user; whereby he or she has the convenience of seeing messages while placing his or her card in the tracking device, and eliminate the need for the user to have to look away from the tracking device to find important audio/visual feedback.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


C. White
Patent Examiner